

APPEAL NO. 032407  
FILED NOVEMBER 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 21, 2003. The hearing officer determined that: (1) because the appellant (self-insured) did not timely dispute the order of November 21, 2002, approving a change in treating doctor to Dr. S, that order became final; and (2) because the self-insured did not timely dispute the order of April 29, 2003, approving a change in treating doctor to Dr. O, that order became final. The carrier appeals essentially on sufficiency of the evidence grounds. The respondent (claimant) did not file a response.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. Section 408.022 sets out the criteria for selecting and changing a treating doctor. Additionally, Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 126.9(g) (Rule 126.9(g)) governs the procedure for disputing an order approving a change in treating doctor. The issues presented involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer could determine that the self-insured received copies of the orders approving a change in treating doctors on the dates specified in the decision. Rule 102.5(d). In view of the applicable law and the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Edward Vilano  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Michael B. McShane  
Appeals Panel  
Manager/Judge